

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**CHRISTINE CARSEN,**  
**Plaintiff,**

**v.**

**COREL INC.,**  
**Defendants.**

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**Cause No: 1:21-cv-00359**

**NOTICE OF REMOVAL**

TO THE CLERK OF THE COURT:

Defendant Corel Inc. (“Defendant” or “Corel”) respectfully files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

**I. BACKGROUND**

1. On March 10, 2021 the plaintiff, Christine Carsen (“Plaintiff”), filed her Original Petition (“Original Petition”) in the case styled *Christine Carsen v. Corel Inc.*, Cause No. D-1-GN-21-001067, in the 53<sup>rd</sup> Judicial District Court of Travis County, Texas (the “State Court Litigation”). Service of process of the Original Petition was effected on Defendant on March 30, 2021.

2. Plaintiff’s Original Petition is a civil action alleging violations of Texas Labor Code § 21.051(1) and § 21.055.

3. In accordance with 28 U.S.C. § 1446(a), attached to this Notice of Removal as **Exhibit “A”** are true and correct copies of all process, pleadings, and orders in the State Court Litigation. There have been no other proceedings, pleadings, motions filed, or orders signed in the State Court Litigation.

## II. DIVERSITY JURISDICTION

4. Plaintiff asserts in her Original Petition that she is a resident of Travis County, Texas. *See* Original Petition at ¶ 7. Plaintiff is therefore a citizen of Texas.

5. Defendant is a Delaware corporation with its principal place of business in Ottawa, Ontario. *See Exhibit B*, Declaration of Josh Shuster at ¶¶ 4-6 and its **Exhibit B-1**. Defendant is therefore a citizen of Delaware and Ontario, Canada. *See* 28 U.S.C. § 1332 (c)(1).

6. Accordingly, there is complete diversity of citizenship between Defendant and Plaintiff in this action pursuant to 28 U.S.C. § 1332.

7. In addition, Plaintiff is seeking damages in excess of \$75,000 in this action, exclusive of interest and costs. Specifically, in the Original Petition, Plaintiff states she “seeks monetary relief in excess of \$1,000,000.” Original Petition at ¶¶ 6, 11.

8. In summary, for all the reasons set forth above, this Court has original jurisdiction of this action based upon complete diversity among the parties pursuant to 28 U.S.C. § 1332, and it is therefore subject to removal to this Court under 28 U.S.C. § 1441(b).

## III. PROCEDURAL REQUIREMENTS

9. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt by Defendant, through service or otherwise, of a copy of the pleading from which it was first ascertainable that the case had become removable, and this Notice of Removal is being filed within one year after the commencement of the action.

10. Defendant has consented to the removal of this cause in accordance with 28 U.S.C. § 1446.

11. Defendant is entitled to have this cause removed from the 53<sup>rd</sup> Judicial District Court of Travis County, Texas, to the United States District Court for the Western District of Texas, Austin Division, such being the district and division where this suit is currently pending.

12. Pursuant to 28 U.S.C. § 1446(d), a Notice of Removal to Federal Court is being filed with the 53<sup>rd</sup> Judicial District Court of Travis County, Texas on the date of this filing with the United States District Court for the Western District of Texas, Austin Division. A copy of the notice provided to the State Court is attached hereto as **Exhibit C**.

**WHEREFORE**, Defendant respectfully requests that this action be removed to this Court, that this Court accept jurisdiction over this action, and that this action be entered on the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Respectfully submitted,

**CORNELL SMITH MIERL  
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By: /s/ Edward M. "Ted" Smith  
Edward M. "Ted" Smith

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2021, I served a copy of the foregoing via electronic mail to the following counsel of record:

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